

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

EFRAIN RODRIGUEZ OSORIO
LILLIAM CUMBA SANTANA
DEBTORS

CASE NO. 12-00493 (MCF)

CHAPTER 13

MOTION FOR DISMISSAL

TO THE HONORABLE COURT:

NOW COMES Scotiabank de Puerto Rico,
(Scotiabank), through counsel, and most respectfully
STATES and PRAYS:

1. Instant petition was filed on January 27, 2012.
2. On February 22, 2012, appearing party filed a secured proof of claim which is incorporated by reference.
3. As of the filing of the Bankruptcy petition, debtors were 38 payments of \$527.01 and of \$628.00 in arrears with respect to the mentioned note. Total pre-petition arrears

\$24,614.59. See Proof of Claim for statement of account.

4. Debtors are now 3 post-petition payments in arrear as of filing of this motion. Total post-petition arrears \$1,955.22 plus \$25.00 for legal cost. See Unsworn Statement attached.
5. Failure to make post-petition payments constitute cause for dismissal under 11 U.S.C. 1307(4).
6. Dismissal of instant petition is beneficial to creditors and parties in interest.
7. Enclosed Statement under Service Members Act for debtors.

NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST

Within **THIRTY (30) DAYS** after service as evidence by the certification, and an additional **THREE (3) DAYS** pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who

objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

WHEREFORE it is respectfully requested that this Motion BE GRANTED and that instant matter be dismissed, for the benefit of Movant awarding \$25.00 in cost, with such further relief as is deemed appropriate under the circumstances.

I CERTIFY that copy of this Notice was sent via first class mail to: **Mr. Efrain Rodriguez Osorio**, Urb. Savarona, Calle Jose Mercado #4, Caguas, PR 00725; **Ms. Lilliam Cumba Santana**, Urb. Savarona,

Calle Jose Mercado #4, Caguas, PR 00725; **Mr. Roberto Figueroa Carrasquillo**, Po Box 186, Caguas, PR 00726-0186; **Mr. Alejandro Oliveras Rivera**, Po Box 9024062, San Juan, PR 00902-4062 and **CRIM Legal Counsel Offices**, Po Box 195387 San Juan, PR 00919-5387.

I **CERTIFY**, that on this same date, I electronically filed the foregoing with the clerk of this Court via CM/ECF system, which will electronically send notification of such filing to all the parties who have requested notice

In San Juan, Puerto Rico, this 19 day of November, 2014.

WVS LAW LLC
17 Mexico St., Suite D-1
San Juan, PR 00917-2202
Tel: 787-756-5730
Fax: 787-764-0340
Email: wvslawllc@gmail.com

By: 
Wallace Vazquez Sanabria-125101

BUFETE: WVS LAW LLC (LCDO WALLACE VAZQUEZ SANABRIA)

**UNSWORN STATEMENT
UNDER PENALTY OF PERJURY**

The undersigned hereby certifies the following under penalty of perjury:

Debtor(s): EFRAIN RODRIGUEZ OSORIO
LILLIAM CUMBA SANTANA

Loan No.: 000001267904

Bankruptcy No.: 12-00493

Post-petition arrears:	(3)	months at	\$628.00	=	\$1,884.00
	(3)	L/C	\$23.74	=	\$71.22

Current principal: \$67,403.43

Name: 

Legal Division

Date: November 14, 2014





Status Report Pursuant to Servicemembers Civil Relief Act

Last Name: RODRIGUEZ-OSORIO

First Name: EFRAIN

Middle Name:

Active Duty Status As Of: Nov-18-2014

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA

This response reflects the individuals' active duty status based on the Active Duty Status Date

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA

This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA

This response reflects whether the individual or his/her unit has received early notification to report for active duty

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Mary M. Snively-Dixon

Mary M. Snively-Dixon, Director
Department of Defense - Manpower Data Center
4800 Mark Center Drive, Suite 04E25
Arlington, VA 22350



Status Report Pursuant to Servicemembers Civil Relief Act

Last Name: CUMBA-SANTANAFirst Name: LILLIAM

Middle Name:

Active Duty Status As Of: Nov-18-2014

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA

This response reflects the individual's active duty status based on the Active Duty Status Date

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA

This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date

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